

IN RE: PETITION FOR ZONING VARIANCE  
S/S Wards Chapel Road, 1.056' E of the c/l of Stana Road (4941 Wards Chapel Road)  
2nd Election District  
3rd Councilmanic District  
Robert W. Kunkel, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 89-72-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure to be larger than the principle dwelling and with a height of 18.5 feet in lieu of the maximum permitted height of 15 feet, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Mr. Kunkel, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 4941 Wards Chapel Road, is zoned R.C. 4 and is currently improved with a one story frame dwelling. Mr. Kunkel testified that he and his wife have lived on the property for 9 years and desire to construct a barn in the rear of the property that would be 34 by 40 feet, with a height of 18.5 feet. The height and size of the building is needed for storage of their recreational vehicle. He indicated that the building is also needed for storage of other personal belongings. Mr. Kunkel indicated that the proposed barn will not be used for any additional living quarters at any time.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record

that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 23rd day of September, 1988 that the Petition for Zoning Variance to permit an accessory structure to be larger than the principle dwelling and with a height of 18.5 feet in lieu of the maximum permitted height of 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The proposed barn shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

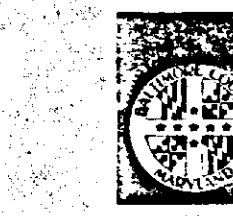
ANN M. NASTAROWICZ  
Zoning Commissioner for  
Baltimore County

ANN:bjjs

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Townson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

September 23, 1988



Dennis F. Rasmussen  
County Executive

Mr. & Mrs. Robert N. Kunkel  
4941 Wards Chapel Road  
Owings Mills, Maryland 21117

RE: PETITION FOR ZONING VARIANCE  
S/S Wards Chapel Road, 1056' E of the c/l of Stana Road (4941 Wards Chapel Road)  
2nd Election District - 3rd Councilmanic District  
Robert N. Kunkel, et ux - Petitioners  
Case No. 89-72-A

Dear Mr. & Mrs. Kunkel:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

ANN:bjjs

cc: People's Counsel

File

#### Zoning Description

Beginning on the South side of Wards Chapel Road, 20 feet wide, at the distance of 1056 feet of the centerline of Stang Road.  
Liber number 2164 Folio number 425. Also known as 4941 Wards Chapel Road in the 2nd. Election District.

#### CERTIFICATE OF PUBLICATION

TOWSON, MD. August 25, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on August 25, 1988

THE JEFFERSONIAN,

S. Zate-Orlin  
Publisher

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Townson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

July 26, 1988



Dennis F. Rasmussen  
County Executive

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE NUMBER: 89-72-A  
S/S Wards Chapel Road, 1056' E c/l Stang Road (4941 Wards Chapel Road)  
2nd Election District - 3rd Councilmanic District  
Petitioner(s): Robert N. Kunkel, et ux  
HEARING SCHEDULED: TUESDAY, SEPTEMBER 20, 1988 at 2:30 p.m.

Variance to allow an accessory structure larger than the principle dwelling and with a height of 18.5 feet in lieu of the permitted 15 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

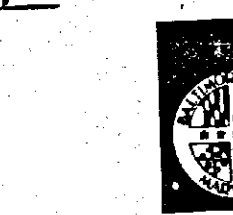
J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: Mr. & Mrs. Kunkel  
File

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Townson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

Date: 9/13/88



Dennis F. Rasmussen  
County Executive

Mr. & Mrs. Robert N. Kunkel  
4941 Wards Chapel Road  
Owings Mills, Maryland 21117

Re: Petition for Zoning Variance  
CASE NUMBER: 89-72-A  
S/S Wards Chapel Road, 1056' E c/l Stang Road (4941 Wards Chapel Road)  
2nd Election District - 3rd Councilmanic District  
Petitioner(s): Robert N. Kunkel, et ux  
HEARING SCHEDULED: TUESDAY, SEPTEMBER 20, 1988 at 2:30 p.m.

Dear Mr. & Mrs. Kunkel:

Please be advised that \$80.00 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Your check payable to Baltimore County, Maryland and bring to the County Office, County Office minutes before

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 059119  
DATE 9/20/88 ACCOUNT 101-615-100  
AMOUNT \$ 90.00  
RECEIVED Robert Kunkel  
Posting Date 9/20/88  
8 104\*\*\*\*\*3000: 52115 89-72-A  
VALIDATION OR SIGNATURE OF CASHIER

#### PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 101.400.3 To allow an accessory structure larger than the principle dwelling and with a height of 18.5 feet in lieu of the permitted 15 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. we need an additional 3 1/2 feet added to the height of the roof of the garage so we can get a 12' overhead door for our camper to go in.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s):  
Robert N. Kunkel  
(Type or Print Name)  
Signature: Robert N. Kunkel  
Address: Frances V. Kunkel  
(Type or Print Name)  
City and State: Owings Mills, Md. 21117  
Signature: Frances V. Kunkel  
Attorney for Petitioner:  
(Type or Print Name)  
Address: 4941 Wards Chapel Rd. 301.655-5432  
City and State: Owings Mills, Md. 21117  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone No.: \_\_\_\_\_  
Attorney's Telephone No.: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone No.: \_\_\_\_\_

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day

of July, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 20th day of September, 1988 at 2:30 o'clock p.m.

J. Robert Haines  
Zoning Commissioner of Baltimore County.

ESTIMATED LENGTH OF HEARING 1/2 HR.  
AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS  
OTHER  
REVIEWED BY: [Signature] DATE: 9-23-88

#### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

89-72-A

District: 2nd

Posted for: Variance

Date of Posting: August 31, 1988

Petitioner: Robert N. Kunkel et ux

Location of property: S/S of Wards Chapel Rd. 1056' E

of Stang Road (4941 Wards Chapel Road)

Location of Sign: c.m. front of 4941 Wards Chapel Road

Remarks:

Posted by: [Signature]

Number of Signs: 1

Date of return: September 2-88





\_\_\_\_\_

**Paul H. Reacker**

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

Location: S/S Wards Chapel Rd., 1056' E. of c/l Stang Road

Item No. 465

Meeting of 7/5/88

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- 0401

REVIEWER: Carl Joseph Kelly, 7-15-88 Noted and Approved: John F. Kelly  
Blanding Group Fire Prevention Bureau  
Special Inspection Division

15

14

\_\_\_\_\_

September 8, 1988

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

Mr. & Mrs. Robert N. Kunkel  
4941 Wards Chapel Road  
Owings Mills, Maryland 21117

RE: Item No. 465 - Case No. 89-72-A  
Petitioner: Robert N. Kunkel, et ux  
Petition for Zoning Variance

Dear Mr. & Mrs. Kunkel:

**MEMBERS**

Bureau of  
Engineering

Department of  
Traffic Engineering

State Roads Commission

Bureau of  
Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Industrial  
Development

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure the all parties who made aware of plans or projects with regard to the development plans that may have been on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer/dt  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

IED:dt



IN RE: PETITION FOR ZONING VARIANCE  
S/S Wards Chapel Road, 1.056'  
E of the c/l of Stana Road  
(4941 Wards Chapel Road)  
2nd Election District  
3rd Councilmanic District

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 89-72-A

Robert W. Kunkel, et ux  
Petitioners

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure to be larger than the principle dwelling and with a height of 18.5 feet in lieu of the maximum permitted height of 15 feet, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Mr. Kunkel, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 4941 Wards Chapel Road, is zoned R.C. 4 and is currently improved with a one story frame dwelling. Mr. Kunkel testified that he and his wife have lived on the property for 9 years and desire to construct a barn in the rear of the property that would be 34 by 40 feet, with a height of 18.5 feet. The height and size of the building is needed for storage of their recreational vehicle. He indicated that the building is also needed for storage of other personal belongings. Mr. Kunkel indicated that the proposed barn will not be used for any additional living quarters at any time.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record

MICROFILMED

that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 23rd day of September, 1988 that the Petition for Zoning Variance to permit an accessory structure to be larger than the principle dwelling and with a height of 18.5 feet in lieu of the maximum permitted height of 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The proposed barn shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

AMN:bjs

ANN M. NASTAROWICZ  
Zoning Commissioner for  
Baltimore County

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Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Townson, Maryland 21204  
494-3333

J. Robert Haines  
County Executive

September 23, 1988

Mr. & Mrs. Robert N. Kunkel  
4941 Wards Chapel Road  
Owings Mills, Maryland 21117

RE: PETITION FOR ZONING VARIANCE  
S/S Wards Chapel Road, 1056' E of the c/l of Stana Road  
(4941 Wards Chapel Road)  
2nd Election District - 3rd Councilmanic District  
Robert N. Kunkel, et ux - Petitioners  
Case No. 89-72-A

Dear Mr. & Mrs. Kunkel:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs

cc: People's Counsel

File

MICROFILMED

#### PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 101.1, B.C.Z.R. To allow an accessory structure, larger than the principle dwelling and with a height of 18.5 feet in lieu of the permitted 15 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. we need an additional 3 1/2 feet added to the height of the roof of the garage so we can get a 12' overhead door for our camper to go in.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Robert N. Kunkel (Type or Print Name)
Signature	Robert N. Kunkel Signature
Address	Frances V. Kunkel (Type or Print Name)
City and State	Signature
Attorney for Petitioner:	
(Type or Print Name)	4941 Wards Chapel Rd. 301-655-5432 Address Phone No.
Signature	Owings Mills, Md. 21117 City and State
Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
City and State	Name
Attorney's Telephone No.:	Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 23rd day of September, 1988, that the subject matter of this petition be advertised as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 20th day of September, 1988, at 9:30 o'clock P.M.

ESTIMATED LENGTH OF HEARING 1 1/2 HRS.  
AVAILABLE FOR HEARING  
MON./TUES./WED. - NEXT TWO MONTHS  
OTHER

REVIEWED BY: J. Robert Haines DATE 6-22-88  
Zoning Commissioner of Baltimore County.

MICROFILMED

#### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 2nd Date of Posting August 31-88  
Posted for: Variance  
Petitioner: Robert N. Kunkel, et ux  
Location of property: Side of Wards Chapel Rd. 1056' E of Stana Road (4941 Wards Chapel Road)  
Location of Sign: on front of 4941 Wards Chapel Road

Remarks: As posted Date of return: September 2-88  
Number of Signs: 1

MICROFILMED

#### BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this 23rd day of July, 1988.

Petitioner: Robert N. Kunkel, et ux Received by: James F. Dyer  
Petitioner's Attorney: James F. Dyer Chairman, Zoning Plans Advisory Committee

MICROFILMED

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE 6-23-88 ACCOUNT R-01-615-000  
AMOUNT \$ 25.00  
RECEIVED FROM Robert N. Kunkel ITEM #465  
FOR Residential Variance Filing Fee  
B 003\*\*\*\*\*35001 8238F  
VALIDATION OR SIGNATURE OF CASHIER

#### CERTIFICATE OF PUBLICATION

TOWSON, MD. August 25, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Aug 25, 1988

THE JEFFERSONIAN,

S. Zetke-Olson  
Publisher

MICROFILMED

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE 9/20/88 ACCOUNT R-01-615-000  
AMOUNT \$ 90.00  
RECEIVED FROM Robert N. Kunkel  
FOR Posting Fee 9/20/88  
B 010\*\*\*\*\*90001 8211F 89-72-A  
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Townson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

Date: 9/15/88

Mr. & Mrs. Robert N. Kunkel  
4941 Wards Chapel Road  
Owings Mills, Maryland 21117

Re: Petition for Zoning Variance  
CASE NUMBER: 89-72-A  
SS Wards Chapel Road, 1056' E c/l Stana Road  
(4941 Wards Chapel Road)  
2nd Election District - 3rd Councilmanic  
Petitioner(s): Robert N. Kunkel, et ux  
HEARING SCHEDULED: TUESDAY, SEPTEMBER 20, 1988  
at 2:30 p.m.

Dear Mr. & Mrs. Kunkel:

Please be advised that \$90.00 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THIS ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Haines  
Zoning Commissioner of  
Baltimore County

JRH:gs

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